

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2011-____-C

IN RE: Application of ANPI, LLC for a
Certificate of Public Convenience and
Necessity to Provide Resold
Interexchange Telecommunications
Services in the State of South Carolina
and for Alternative Regulation of its
Interexchange Offerings

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**MOTION FOR PROTECTIVE
TREATMENT AND BASIS FOR FILING
EXHIBIT 4 AS TRADE SECRET**

ANPI, LLC (“ANPI” or “Applicant”), by counsel, and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and S.C. Code Ann. Regs.103-804(S)(2), hereby files this Motion for Protective Treatment (“Motion”) in the above-captioned proceeding. By this Motion, ANPI seeks protective treatment by the South Carolina Public Service Commission (“Commission”) of certain commercially-sensitive financial information attached as **Exhibit 4**, filed as Trade Secret to ANPI’s Application for Authority to Provide Resold Intrastate Interexchange Telecommunications Services. Because this Motion is an inseparable part of ANPI’s Application, it is being filed concurrently therewith.

In support of its Motion, ANPI respectfully submits as follows:

1. The legal name, address, and telephone of the Applicant are:

ANPI, LLC
3130 Pleasant Run
Springfield, IL 62711
Telephone: (217) 862-1969

2. All correspondence, notices, inquiries, and other communications regarding this

Motion should be addressed to:

John J. Pringle, Jr.
ELLIS, LAWHORNE & SIMS, P.A.
P.O. Box 2285
Columbia SC 29202
Telephone: (803) 343-1270
Facsimile: (803) 799-8479
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I. Description of Confidential Information

The Application requires Applicant to disclose evidence of its financial ability to provide service by submitting documentation of its financial resources. Pursuant to this requirement, ANPI is submitting copies of its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which would result in direct, immediate and substantial harm to ANPI's competitive position in South Carolina and in other states where ANPI is currently doing business.

II. Grounds for Claim of Confidentiality

The financial information submitted by ANPI in **Exhibit 4** of its Application fits squarely within the definition of a "trade secret" under the South Carolina Trade Secrets Act.¹ As a privately-held company, ANPI's financial qualifications are not readily ascertainable. ANPI currently has no legal obligation to prepare or submit projected financial statements, or to report any financial information to a public entity. Further, the unavailability of this information derives independent economic value for ANPI because the disclosure of such information would

¹ A "trade secret" is defined in S.C. Code § 39-8-20(5)(a) as information that "(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public...and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

jeopardize ANPI's relationship with its investors and harm ANPI's ability to compete in the provision of advanced telecommunications services in South Carolina. ANPI is not a public corporation and its financial and business information is uniquely sensitive.

ANPI takes considerable efforts to maintain the secrecy of the information contained in its financial statements. Financial information of this type is not publicly disseminated, and ANPI takes reasonable steps to guard this information internally as well. Its disclosure is limited to ANPI's senior officers, ANPI's counsel and employees of the company who are directly involved with ANPI's financial operations. Furthermore, when required to submit financial information to public authorities, all such information is clearly stamped "confidential" and is accompanied by formal requests to maintain the confidentiality of the information and to withhold it from public disclosure.

ANPI clarifies that its request for protection applies only to the financial information contained in **Exhibit 4** to the Application. ANPI is not seeking protection of any type by means of this Motion for those reports ANPI will be required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, or the Universal Service Fund Worksheet.

III. Conclusion

The financial information included in support of ANPI's Application, for which confidential treatment is requested, is both proprietary and competitively sensitive. ANPI would suffer substantial direct harm if such information is made publicly available. The harm that would result from public disclosure of ANPI's financial information is real and not speculative. Moreover, to date, no other jurisdiction has required ANPI to make its financial information publicly available. For the foregoing reasons, the financial information included in **Exhibit 4** should be protected from public disclosure by the Commission.

WHEREFORE, ANPI respectfully requests that the information contained in **Exhibit 4** of ANPI's Application for a Certificate of Public Convenience and Necessity be ruled exempt from public disclosure and provided confidential treatment in accordance with S.C. Code Ann. § 39-8-10, *et seq.*

Respectfully submitted,

ANPI, LLC

s/John J. Pringle, Jr.

John J. Pringle, Jr.

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June 23, 2011
Columbia, South Carolina